

53-5

BK 7704 PG 190

**DEED OF VACATION  
039259**

KNOW ALL BY THESE PRESENTS, that the STATE OF MAINE, acting by and through the Commissioner of the Department of Transportation, under and pursuant to the provisions of 23 M.R.S.A. Section 61, for consideration paid, releases unto the CITY OF WATERVILLE, a body corporate and politic whose mailing address is City Hall, 1 Common Street, Waterville, Maine 04901-6699, all its right, title and interest in and to a certain lot or parcel of land situated in Waterville, County of Kennebec and State of Maine and being as shown on a Maine Department of Transportation Right of Way Map for State Highway "33" Waterville, Kennebec County, Project No. U-UG-033-1(4) on file in its office at Augusta, File No. 6-126, bounded and described as follows:

**BEGINNING** at a point in the southeasterly line of land now or formerly of Maine Central Railroad as acquired by Governor and Council Deed, recorded August 13, 1965 in the Kennebec County Registry of Deeds, Book 1389, Page 356, said point being forty (40) feet southeasterly from and as measured along a line normal to the "MCRR Lower Road Relocation" Base Line at about Sta. 3961 + 02;

**THENCE** northeasterly along said Maine Central Railroad southeasterly line, as the same shall run, about two thousand and eighty-eight (2088) feet to a point in the southerly line of other land now or formerly of Maine Central Railroad, said point being about one hundred fifty-three (153) feet southeasterly from and as measured along a line at right angles to the "MCRR Back Road Relocation" Base Line at about Sta. 1+93;

**THENCE** southeasterly along the westerly line of land of said Maine Central Railroad about four hundred thirty-two (432) feet to the northwesterly line of The Kennebec River;

**THENCE** southwesterly along the northwesterly line of the Kennebec River about two thousand one hundred and forty-two (2142) feet to a point in the present northeasterly line of land now or formerly of George H. Mitchell and the southwesterly corner of land of the State of Maine;

**THENCE** northerly and northwesterly along the easterly and northerly line of said Mitchell, about one hundred seventy-one (171) feet to the point of beginning. Said lot or parcel of land contains about 12.46 acres and is a portion of the land

*O'Connell, the*  
*PG 15 of 55* 5  
*Waterville, Maine*

53-5

BK 7704 PG 191

conveyed to the State of Maine by Quit Claim Deed of the City of Waterville dated November 15, 1961, recorded November 17, 1961 in the Kennebec County Registry of Deeds, Book 1246, Page 102.

**SUBJECT TO** all utility easements and installations located on the above described premises, including those shown on the herein referred to Right of Way Map and to those rights which any utility enjoys over the subject premises for maintenance, location or relocation of poles and other installations.

**THE STATE** makes no representations or warranties with respect to the premises conveyed. The representations and warranties so excluded encompass, but are not limited to, those pertaining to: land use and environmental matters; fitness of the premises or any portion thereof for any particular purpose; water quality or quantity; the condition or quality of the soil; inchoate or unrecorded liens; or the existence, status, or condition of access to, or public utilities serving, the premises. Any subsequent use of, improvement to, or construction on the parcel is subject to all applicable laws, regulations, ordinances, and permitting requirements.

**IN WITNESS WHEREOF**, the said State of Maine, acting by and through its Department of Transportation, has caused this instrument to be executed by David A. Cole, its Commissioner, thereunto duly authorized this 27TH day of OCTOBER in the year two thousand three.

**SIGNED AND SEALED  
IN THE PRESENCE OF:**

**DEPARTMENT OF TRANSPORTATION**



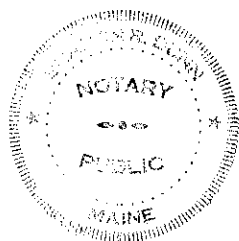
By:   
David A. Cole, Commissioner

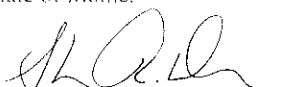
**STATE OF MAINE**  
County of Kennebec

10/27, 2003

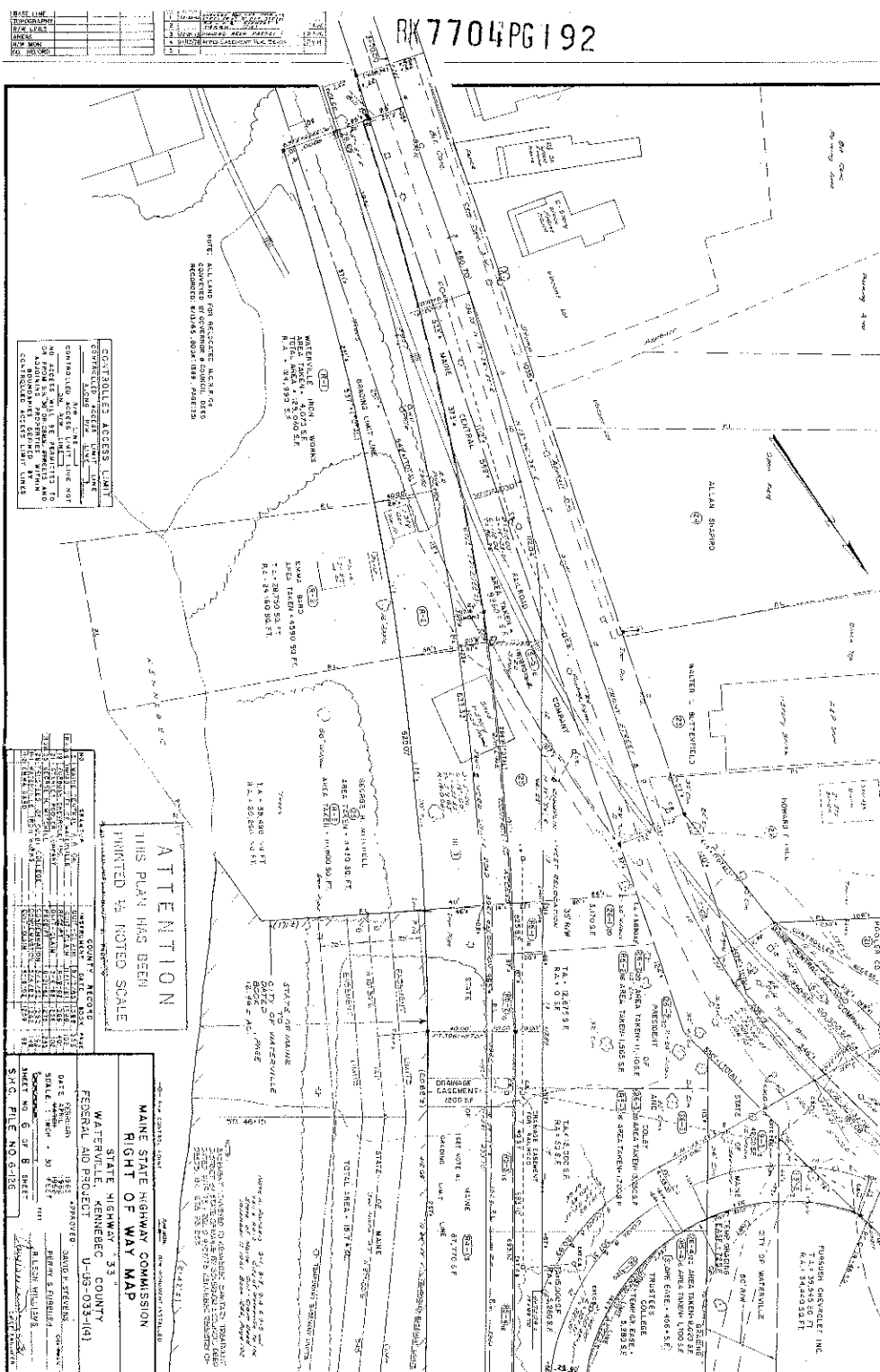


Personally appeared the above David A. Cole, Commissioner, Department of Transportation, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

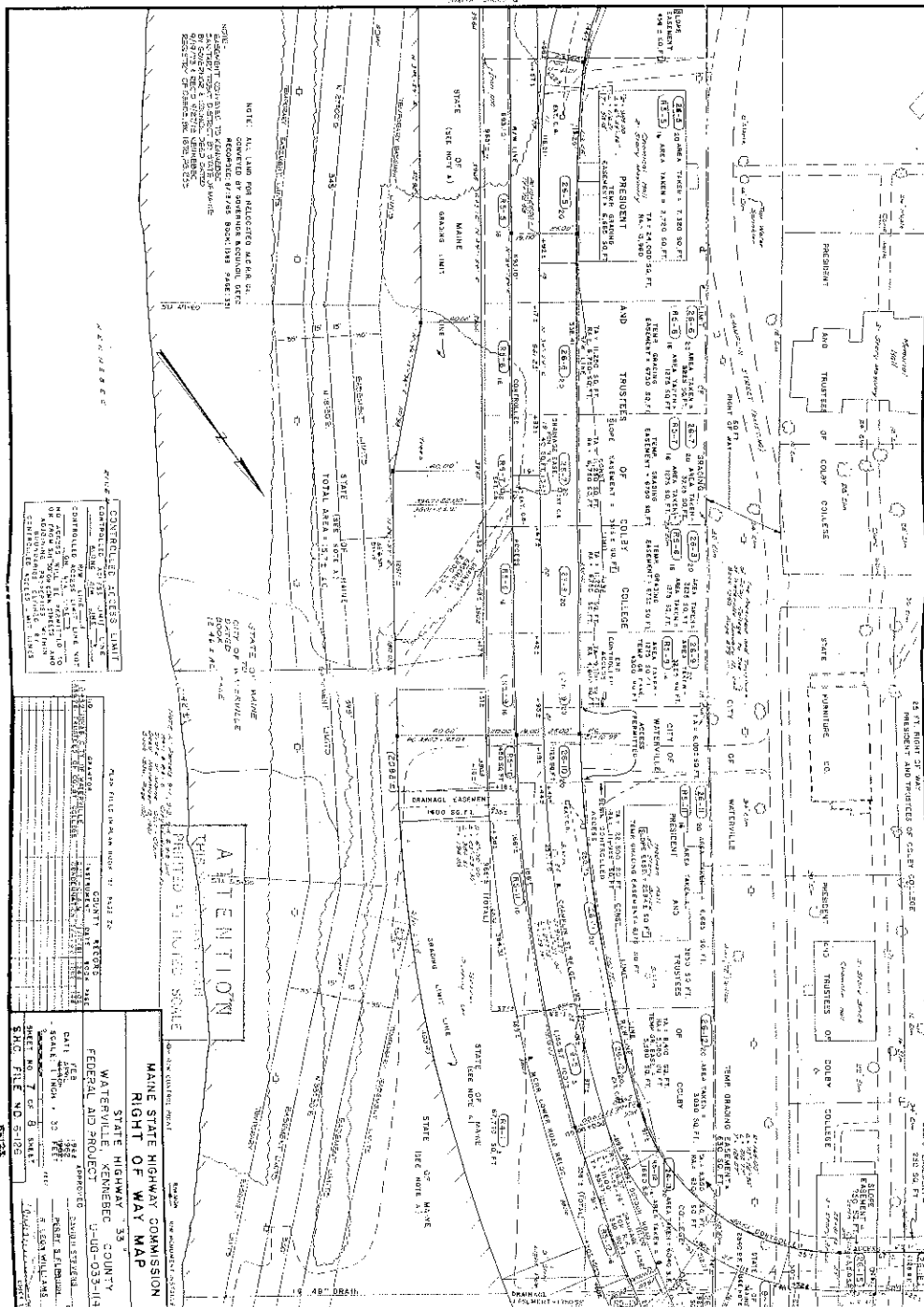


Before me,   
Notary Public/Attorney at Law  
Print name: Jonathan R. Dyer  
My commission expires: 12/1/04

RK 7704 PG 192

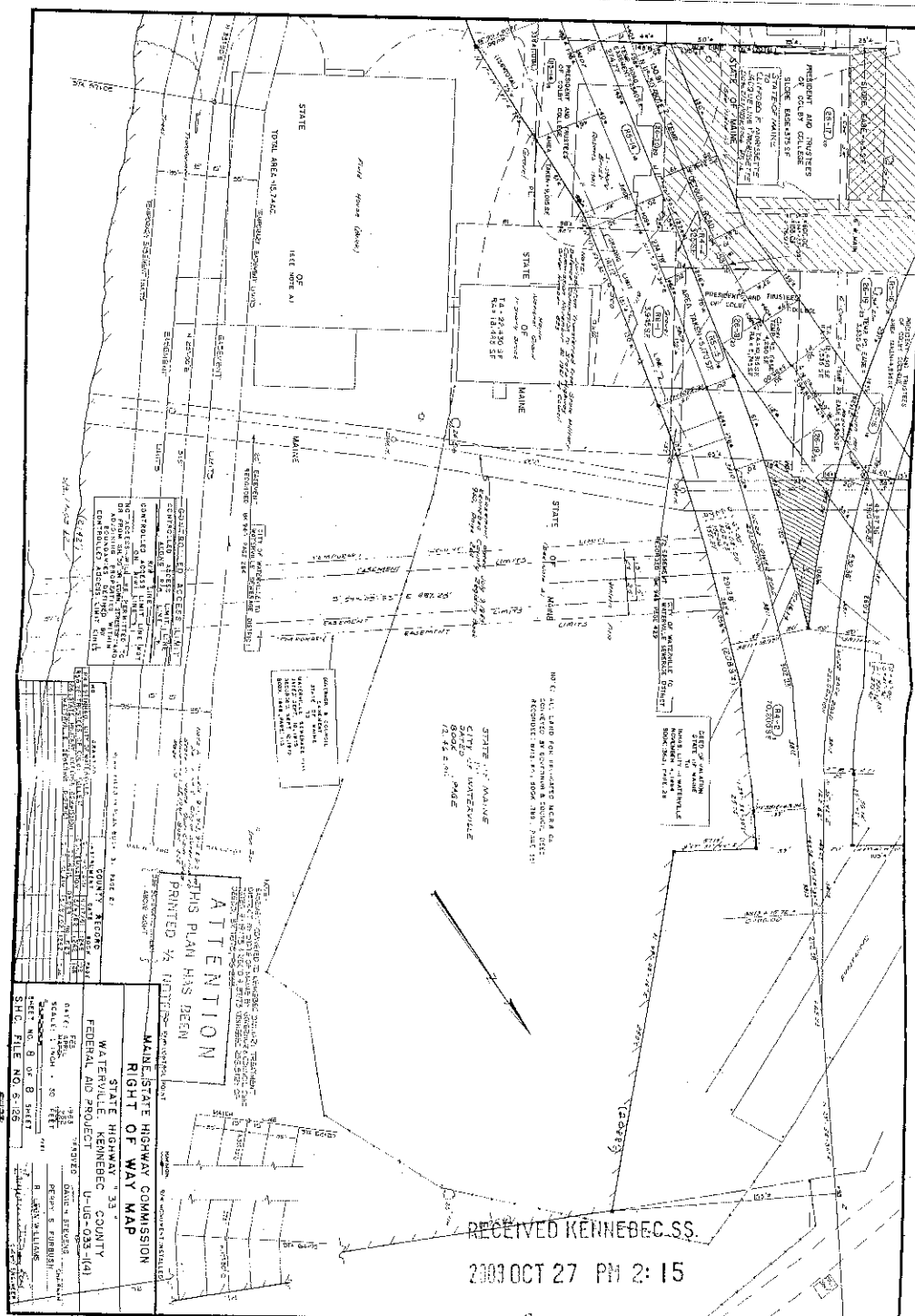


BK 7704 PG 493

[illegible]

BK 7704 PG 194

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RECEIVED KENNEBEC SS.

2003 OCT 27 PM 2: 15

ATTEST: *George H. H. H. H.*  
 DEPUTY CLERK